

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

In the Matter of License 10541 (Application 15781)

**Janet C. King**

**ORDER ISSUING AMENDED LICENSE**

SOURCE: Russian River Underflow

COUNTY: Mendocino

**WHEREAS:**

1. License 10541 was issued pursuant to permitted Application 15781 on September 29, 1975, and was recorded with the County Recorder of Mendocino County on October 12, 1975, in Book 1014, Pages 712-713. Recording of this license, and subsequent Orders issued thereto, is prescribed by Water Code section 1650.
2. The Division of Water Rights (Division) record of ownership for License 10541 shows the current holder of the license as Janet C. King.
3. The Division conducted an inspection of License 10541 on September 25, 2001. It was determined that the description of the Point of Diversion (POD) should be corrected, an inline flow meter and record keeping requirement should be added, the authorized amount should be reduced, the Place of Use (POU) should be reduced and a reservoir should be added as a Point of Rediversion.
4. The State Water Resources Control Board (SWRCB) has determined that the license shall be amended to include the following specific corrections or changes:
  - a. A correction in the description of the POD;
  - b. A reduction in the POU being served;
  - c. Addition of a reservoir as a Point of Rediversion;
  - d. A reduction in the authorized amount; and
  - e. Addition of a term requiring installation of an inline flow meter and maintenance of monthly records of diversion.
5. The SWRCB standard license terms pertaining to continuing authority, water quality objectives, protection of endangered species, and the need for a State Department of Fish and Game stream alteration agreement shall be updated or added to the amended license.
6. The SWRCB has determined the amended license does not constitute an initiation of a new right, and does not injure prior rights or the public trust resources of the State.

**THEREFORE, IT IS ORDERED:**

The attached Amended License 10541 is issued, superseding former License 10541 issued on September 29, 1975. The priority of Amended License 10541 is March 17, 1954.

STATE WATER RESOURCES CONTROL BOARD

*for David R. Beringer*  
Harry M. Schueller  
Chief Deputy Director

Dated: **OCT 15 2002**



STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

**Amended License for Diversion and Use of Water**

APPLICATION 15781  
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PERMIT 9871

LICENSE 10541

**THIS IS TO CERTIFY, That**

Janet C. King  
8500 Eastside Road  
Ukiah, CA 954826

has the right to the use of the waters of **Russian River Underflow** in **Mendocino County**  
tributary to **Pacific Ocean**  
for the purpose of **Irrigation use**.

**Amended License 10541** supersedes the license originally issued on **September 29, 1975** which was perfected in accordance with the laws of California, the Regulations of the State Water Resources Control Board (SWRCB), or its predecessor, and the terms of **Permit 9871**. The priority of this right dates from **March 17, 1954**. Proof of maximum beneficial use of water under this license was made as of **May 24, 1973** and **September 25, 2001** (the dates of inspection).

The amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **twenty-four hundredths (0.24) cubic foot per second to be diverted from May 1 to November 1 of each year**. The maximum amount diverted under this license shall not exceed **56 acre-feet per year**.

The equivalent of the authorized continuous flow allowance for any 30-day period may be diverted in a shorter time, provided there is no interference with other rights and instream beneficial uses, and provided further that all terms and conditions protecting instream beneficial uses are observed.

(0000027)

Unless a change is approved by the SWRCB, water used under this license may be diverted, rediverted, stored and used only as specified below:

**THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:**

By California Coordinate System of 1927, Zone 2, North 501,607 feet and East 1,680,133 feet, being within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 25, T14N, R12W, MDB&M.

**THE POINT OF REDIVERSION OF SUCH WATER IS LOCATED:**

At King's Reservoir - By California Coordinate System of 1927, Zone 2, North 505,030 feet and East 1,679,498 feet, being within NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected Section 25, T14N, R12W, MDB&M.

**A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:**

11.2 acres within SE $\frac{1}{4}$  of NW $\frac{1}{4}$  projected Section 25, T14N, R12W, MDB&M  
13.4 acres within SW $\frac{1}{4}$  of NE $\frac{1}{4}$  projected Section 25, T14N, R12W, MDB&M  
2.9 acres within NE $\frac{1}{4}$  of SW $\frac{1}{4}$  projected Section 25, T14N, R12W, MDB&M  
28.5 acres within NW $\frac{1}{4}$  of SE $\frac{1}{4}$  projected Section 25, T14N, R12W, MDB&M  
2.7 acres within NE $\frac{1}{4}$  of SE $\frac{1}{4}$  projected Section 25, T14N, R12W, MDB&M  
6.9 acres within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  projected Section 25, T14N, R12W, MDB&M  
4.2 acres within SE $\frac{1}{4}$  of SE $\frac{1}{4}$  projected Section 25, T14N, R12W, MDB&M

69.8 acres total as shown on map dated August 20, 2002 on file with the SWRCB.

No water shall be diverted under this license until the licensee installs and maintains an in-line flow meter, acceptable to the Chief of the Division of Water Rights, that is capable of measuring the instantaneous diversion rate and the cumulative amount diverted under this license. Licensee shall maintain a record of the end-of-the-month meter readings and of the days of actual diversion, and shall submit these monthly records with the triennial report of licensee, or whenever requested by the Division of Water Rights.

(0100900)

Issuance of this license shall not operate to the prejudice of any prior rights, including such rights, if any, as have been or may be acquired by Sonoma County Flood Control and Water Conservation District or its successors under rights initiated by Applications 15736, 15737, and 15779.

This license is of equal priority with the rights initiated by Applications 15780 and 15782.

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*The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.*

*Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the SWRCB.*

*Licensee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by the SWRCB, reasonable access to project works to determine compliance with the terms of this license.*

*Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.*

*The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.*

*The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.*

*The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.*

*This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.*

*If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.*

*This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the SWRCB.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD

*David R. Bueing*  
for Harry M. Schueller  
Chief Deputy Director

Dated: OCT 15 2002



STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

## License for Diversion and Use of Water

APPLICATION 15781

PERMIT 9871

LICENSE 10541

THIS IS TO CERTIFY, *That*

MALCOLM D. KING AND JANET C. KING  
8500 EAST SIDE ROAD, UKIAH, CALIFORNIA 95482

HAVE made proof as of MAY 24, 1973 (the date of inspection)  
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of  
RUSSIAN RIVER IN MENDOCINO COUNTY

tributary to PACIFIC OCEAN

for the purpose of IRRIGATION USE  
under Permit 9871 of the Board and that the right to the use of this water has been perfected  
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the  
priority of this right dates from MARCH 17, 1954 and that the amount of water to which  
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated  
purposes and shall not exceed SIXTY-ONE HUNDREDTHS (0.61) CUBIC FOOT PER SECOND, TO BE  
DIVERTED FROM MAY 1 TO NOVEMBER 1 OF EACH YEAR. SO LONG AS THERE IS NO INTERFER-  
ENCE WITH OTHER RIGHTS, JUNIOR, AS WELL AS SENIOR, LICENSEE MAY INCREASE HIS RATE  
OF DIVERSION TO A MAXIMUM OF 1.6 CUBIC FEET PER SECOND; PROVIDED THAT THE TOTAL  
QUANTITY DIVERTED IN ANY 30-DAY PERIOD DOES NOT EXCEED 38 ACRE-FEET. THE  
MAXIMUM AMOUNT DIVERTED UNDER THIS LICENSE SHALL NOT EXCEED 132 ACRE-FEET PER YEAR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

NORTH 54°40' EAST 8,778 FEET FROM NE CORNER (H.S.) OF LOT 36 OF SANEL RANCHO,  
BEING WITHIN AN UNNUMBERED LOT OF SANEL RANCHO AND WITHIN SE1/4 OF SW1/4 OF  
PROJECTED SECTION 25, T14N, R12W, MDB&M.

A DESCRIPTION OF LANDS OR THE PLACE WHERE  
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

71 ACRES WITHIN PROJECTED SECTION 25, T14N, R12W, MDB&M, AS SHOWN ON MAP FILED  
WITH STATE WATER RESOURCES CONTROL BOARD.

*Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.*

*All rights and privileges under this license, including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.*

[illegible]

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

*The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.*

*This license is granted and licensee accepts all rights herein confirmed subject to the following provision:  
of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever is excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

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